Court No. 1

Civil Misc. Petition No. 2369 (S/S) of 2001
(Old No. 38717 of 2000)

Jagdish Singh …… Petitioner

Versus

The Chief Medical officer
Animal Husbandry and three others.
……Respondents.

Hon'ble P.C. Verma, J.

This writ petition has been filed by the petitioner challenging the order dated 17.8.2000, by which the petitioner was required to hand over the charge of Jeep No. UP-02-6471 in the office of Chief Medical (Animal Husbandry), Udhamsingh Nagar.

The petitioner was appointed as a driver in the said office on stopgap arrangement and was given the charge of said Jeep on account of leave granted to one sri Trilok Ram. When Sri Trilok Ram came back and reported for duty, the petitioner was directed to hand over the Jeep to Trilok Ram by the impugned order. Learned counsel for the petitioner submits that the petitioner's services could not have been terminated as there was vacancy of the driver in the office of Chief Medical Officer (Animal Husbandry) on that day and, therefore, he challenged the termination order being motivated.

Argument of the learned counsel for the petitioner is misconceived. The petitioner has no right to claim appointment on any other post as the petitioner was appointed on a leave vacancy in place of Trilok Ram. The learned counsel for the petitioner further submits that petitioner had worked as daily-

wages employee till 17th August, 2000. Therefore he may be considered for regular selection, if made for the existing vacancy in the office of Chief Medical Officer(Animal Husbandry) by giving him age relaxation.

Considering the services rendered by the petitioner in the Department, it is provided that as and when the selection is held for the post of driver, the petitioner shall be given age relaxation to the extent he has served in the office of Chief Medical officer (Animal Husbandry) on daily-wages and after giving that much age relaxation the case of the petitioner shall be considered for regular appointment as and when it is made.

The petition is disposed of accordingly.

(P.C. Verma, J.)

04.7.2001
P.Singh